



WILLIAM J. CUNNINGHAM

January 2, 2002

Renata Hesse  
Trial Attorney  
Antitrust Division  
Department of Justice  
601 D Street NW, Suite 1200  
Washington, DC 20530

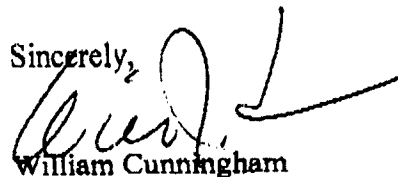
Dear Attorney Hesse,

I would like to go on record in support of the settlement negotiated between the Justice Department and Microsoft to settle their ongoing antitrust case. Too much time, energy and money have been expended in pursuit of this case already, and it is clearly time to end things now. Whatever perceived public interest there might have been in litigating this case certainly is achieved in the terms of the settlement. Microsoft is punished for its apparent wrongdoings, and the high-tech sector of the economy is now to be more closely monitored.

It is hard to imagine what further public good would be achieved by more stringent measures than those outlined in the agreement, but sadly that is what Microsoft's competitors are seeking. I believe it would be a dangerous precedent for the government to assume a role of daily arbiter in the workings of an industry that by its nature needs freedom to innovate. The Justice Department should hold its ground and seek to end this case: it is not the purpose of antitrust litigation to reward competitors in an industry.

Please accept my thanks for your work in resolving this case, and for considering my input. I hope Judge Kollar Kotelly will act with dispatch and see the wisdom in this settlement.

Sincerely,



William Cunningham

P.O. Box 1992 • Andover, MA 01810 • Telephone 978-475-3444 • Fax 978-948-5135  
wcunningham@capitol-partners.com

MTC-00030791\_0001